

Chapter 28

HUMAN RELATIONS

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ARTICLE I. IN GENERAL

Secs. 28-1—28-18. Reserved.

ARTICLE II. FAIR HOUSING*

Sec. 28-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory housing practice means an act that is unlawful under sections 28-21 through 28-23.

Dwelling means any building, structure or portion thereof which is occupied as or designed or intended for occupation as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Family includes a single individual.

To rent includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises owned by the occupant.
(Ord. No. 2006-01, § 12-501, 4-3-2006)

Sec. 28-20. Application and exemptions.

(a) Subject to the provisions of subsection (b) of this section, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to all dwellings except as exempted by subsection (b) of this section.

(b) Nothing in section 28-21 shall apply to:

- (1) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at anyone time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to

one such sale within any 24-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf; under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and
- b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 28-21(3). However, nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as is necessary to perfect or transfer the title; or
- (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:
 - (1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
 - (2) He has, within the preceding 12 months, participated as an agent, other than for his

*State law reference—Fair housing law, 25 O.S. § 1101 et seq.

personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

- (3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(d) Nothing in this article shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, disability or familial status. Nor shall anything in this article prohibit a private club not, in fact, open to the public which, as an incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. No. 2006-01, § 12-502, 4-3-2006)

Sec. 28-21. Discrimination in the sale or rental of housing.

As made applicable by section 28-20 and except as exempted by section 28-20(b), it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, sex, color, religion, national origin, disability or familial status.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, sex, color, religion, national origin, disability or familial status.
- (3) To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the

sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, national origin, disability or familial status or an intention to make any such preference, limitation or discrimination.

- (4) To represent to any person because of race, sex, color, religion, national origin, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
- (5) To induce or attempt to induce any person to sell or rent any dwelling, for profit, by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, national origin, disability or familial status.

(Ord. No. 2006-01, § 12-503, 4-3-2006)

Sec. 28-22. Discrimination in financing or housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of race, sex, color, religion, national origin, disability or familial status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 28-20(b) and (d).

(Ord. No. 2006-01, § 12-504, 4-3-2006)

Sec. 28-23. Discrimination in the provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing

Sec. 28-28. Enforcement by private persons.

(a) The rights granted herein by sections 28-20 through 28-23 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or section 28-26(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the business manager are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the business manager and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this article and involving a bona fide purchaser, encumbrances or tenant, without actual notice of the existence of the filing of a complaint or civil action under the provisions of this article, shall not be affected.

(b) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order and may award to the plaintiff actual damages and not more than \$1,000.00 punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing plaintiff, provided that the plaintiff, in the opinion of the court, is not financially able to assume said attorney's fees.

(Ord. No. 2006-01, § 12-510, 4-3-2006)

Sec. 28-29. Interference, coercion or intimidation.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his having exercised or enjoyed or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by section 28-20, 28-21, 28-22, or 28-27. This section may be enforced by appropriate civil action.

(Ord. No. 2006-01, § 12-511, 4-3-2006)

Sec. 28-30. Prevention of intimidation in fair housing cases.

Whoever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with or attempts to injure, intimidate or interfere with:

- (1) Any person because of his race, sex, color, religion, national origin, disability or familial status and because he is or has been selling, purchasing, renting, financing, occupying, contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or,
- (2) Any person because he is or has been or in order to intimidate such person or any other person or class of persons from:
 - a. Participating without discrimination on account of race, sex, color, religion, national origin, disability or familial status in any of the activities, services, organizations or facilities described in subsection (1) of this section; or
 - b. Affording another person or class of persons opportunity or protection so to participate.
- (3) Any citizen because he is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, disability or familial status, in any of the activities, services, organizations or facilities described in subsection (1) of this section or from participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$200.00; and if bodily injury results, shall be fined not more than \$200.00; and if death results, shall be subject to imprisonment for any term of years or for life.

(Ord. No. 2006-01, § 12-513, 4-3-2006)

service, rental or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, sex, color, religion, national origin, disability or familial status.

(Ord. No. 2006-01, § 12-505, 4-3-2006)

Sec. 28-24. Administration.

(a) The authority and responsibility for administering the provisions of this article shall be in the business manager of the city.

(b) The business manager may delegate any of these functions, duties and powers to employees of the city or to boards of such employees, including functions, duties and powers, with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this article. The business manager shall, by rule, prescribe such rights of appeal from the decisions of the city's hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to said business manager; as shall be appropriate and in accordance with law.

(c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purposes of this article and shall cooperate with the business manager to further such purposes.

(Ord. No. 2006-01, § 12-506, 4-3-2006)

Sec. 28-25. Education and conciliation.

Immediately after the enactment of this article, the business manager shall commence such educational and conciliatory activities as will further the purposes of this article. The business manager shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this article and suggested means of implementing it and shall endeavor, with their advice, to work out programs of voluntary compliance and enforcement.

(Ord. No. 2006-01, § 12-507, 4-3-2006)

Sec. 28-26. Enforcement.

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the business manager. Complaints shall be in writing and shall contain such information and be in such form as the business manager requires. Upon receipt of such a complaint, the business manager shall furnish a copy of the same to the person who allegedly committed or is about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint or within 30 days after the expiration of any period of reference under subsection (c) of this section, the business manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the business manager decides to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion, nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned. Any employee of the business manager who shall make public any information in violation of this provision shall, upon conviction, be fined not more than \$200.00.

(b) A complaint under subsection (a) of this section shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and, with the leave of the business manager which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) If, within 30 days after a complaint is filed with the business manager, the business manager has been unable to obtain voluntary compliance with this article, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The business manager will assist in this filing.

(d) If the business manager has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days thereafter, commence a civil action in any appropriate court against the respondent named in the complaint to enforce the rights granted or protected by this article insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceedings brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action by an individual shall come to trial, the business manager shall immediately terminate all efforts to obtain voluntary compliance. (Ord. No. 2006-01, § 12-508, 4-3-2006)

Sec. 28-27. Investigations, subpoenas, giving of evidence.

(a) In conducting an investigation, the business manager shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statement of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the business manager first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The business manager may issue subpoenas to compel his access to or the production of such materials or the appearance of such persons and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The business manager may administer oaths.

(b) Upon written application to the business manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the business manager to the same extent and subject to the same limitations as subpoenas issued by the business manager. Subpoenas issued

at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at the respondent's request.

(c) Witnesses summoned by subpoena of the business manager shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the city. Within five days after service of a subpoena upon any person, such person may petition the business manager to revoke or modify the subpoena. The business manager shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous or for other good reason.

(d) In case of contumacy or refusal to obey a subpoena, the business manager or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

(e) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the business manager shall be fined not more than \$200.00. Any person who, with intent to mislead the business manager, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the business manager pursuant to the business manager's subpoena or other order or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents or shall willfully mutilate, alter or by any other means falsify any documentary evidence shall be fined not more than \$200.00.

(f) The city attorney shall conduct all litigation in which the business manager participates as a party or as Amicus Curiae pursuant to this article. (Ord. No. 2006-01, § 12-509, 4-3-2006)

SECTION 200 EMPLOYMENT PRACTICES

201 - Equal Employment Opportunity Policy

The City of Alva is committed to providing equal opportunity to all its employees and applicants for employment in regard to race, color, creed, religion, national origin, age, sex, handicap or veterans status. This commitment extends to every aspect of employment, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall, and disciplinary action.

202 – Harassment Policy

The City of Alva maintains a policy of “zero” tolerance for harassment on the basis of race, color, age, religion, sex, national origin, disability, marital or veteran status. The City will not tolerate conduct that creates a hostile or offensive working environment. Reporting violations or complaints pertaining to this policy is not restricted to use of the chain of command.

203 – Alcohol and Drug Free Work Place Policy

The City of Alva, pursuant to the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, has adopted a Drug and Alcohol Free Workplace Policy.

It is the policy of the City that unlawful manufacture, distribution, dispensing, possession, use of, or being under the influence of, a controlled substance is prohibited in the workplace. Any employee determined to be in violation of this policy while on duty or when wearing a City uniform on or off duty, is subject to disciplinary action, which may include termination.

204 – Weapons and Violence Policy

It is the policy of the City that the transportation, possession, or use of any firearm, or any other weapon, is not allowed on any city owned property, vehicle, or equipment and employees who violate this policy are subject to disciplinary action which may include termination. This does not include sworn law enforcement officials in the performance of their duties.

Employees who participate in behavior, such as fighting, destruction of property, “horse play”, and malicious rumors or reports, are also subject to disciplinary action which may include termination.

205 – Americans With Disabilities Policy

The City will comply with the Americans with Disabilities Act,(ADA). It is the City's policy not to discriminate against qualified individuals with disabilities and to provide reasonable accommodations as required by law to otherwise qualified applicants with disabilities in all employment practices.

This policy does not create an express or implied contract of employment. Applicants with conditional job offers are subject to withdrawal of offers or termination at any time, for any reason, except as otherwise prohibited by law.

SECTION 1100 SEXUAL HARASSMENT

1101-Definitions

There are two basic types of sexual harassment:

- The quid pro quo situation created by an employer or supervisor who wants sexual favors in exchange for advancement or salary increase.
- The offensive or hostile environment characterized by sexual talk or touching; not tied to money or promotion but unreasonably interfering with a person's job.

Sexual harassment can be summed up: it is unwelcomed or unwanted sexual behavior by either sex.

1102-Reporting Procedure

Should a person feel that they are the victim of sexual harassment; a report should be made to the Business Manager or the Human Resources Manager.

If a supervisor receives a complaint it will be passed on to the Human Resources Manager or the Business Manager.

The Business Manager will designate a person to investigate the complaint or will assume that role. The results of the investigation will be made known to the Business Manager within ten (10) days of the notification. All information will be confidential and discretion will be used during the investigation.

1103-Disciplinary Procedure

The Business Manager will make the determination as to what disciplinary action, if any, will result from the investigation.

Disciplinary action resulting in the violation of this policy will follow the policy on progressive discipline.